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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,732	12/28/2004	Eelco Nicodem	P14095-US1	5126

27045 7590 05/17/2006

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EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/519,732	NICODEM, EELCO	
	Examiner	Art Unit	
	Hemant Patel	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Applicant response dated March 14, 2006 to an Office action dated December 16, 2005 is entered. Claims 1-19 are cancelled. Claims 20-33 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 20-33 have been considered but are moot in view of the new ground(s) of rejection. This action is made Non-Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 20-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US Patent No. 6,161,008).

Regarding claims 20, 27, Lee discloses a method of delivering a message using at least one telecommunications network, wherein a user has access to a plurality of telecommunications services, which telecommunications services are provided to the user via said at least one network and are accessed by the user using one or more user access devices (Fig. 1), said method comprising the steps of:

selecting a target access device from said user access devices based on results of a use-analysis of any of said telecommunications services (col. 21, ll. 31-34, use-analysis of user's current service with two destinations) and said user access devices (col. 21, ll. 41-43, using two selected destinations in sequence), said selecting of a target access device being further based on an analysis of operational capabilities of said user access device in dependence of said message content (col. 6, ll. 51-55), wherein said message is delivered at said selected target access device by converting at least a part of said message content to a format which is dependent on said selected target access device (col. 8, ll. 57-62; col. 21, ll. 25-42, a call from computer to cellular phone requiring conversion from H.323 format to cellular air transmission format).

Regarding claims 21, 28, Lee discloses a method, wherein operation of at least one of said telecommunications services invokes at least one service-related event (col. 21, ll. 31-33, PMDNS user application queries PMDNS application server with PID), and wherein said at least one service-related event is used as an input to said use-analysis of any of said telecommunications services and said user access devices (col. 21, ll. 33-43, PMDNS server returns TIDs with instruction to use them sequentially after use-analysis of service and devices).

Regarding claim 22, Lee discloses a method, wherein a personal identification by said user, such as a personal identification for use of banking services or public transportation, is used as an input to said use-analysis of any of said telecommunications services and said user access devices (Fig. 4, PID, i.e. TOM,

RPETTY, BSMITH are names of subscribers; just as names are used in banking and public transportation services for identification).

Regarding claims 23, 29, Lee discloses a method, further comprising the step of keeping a history of results of said use-analysis of any of said telecommunications services and said user access devices, and wherein delivery of said message is based on said history (col. 8, ll. 63-col. 9, ll. 60, ll. 20).

Regarding claims 24, 30, Lee discloses a method, wherein said step of selecting a target access device is further dependent on an operational mode of any of said user access devices (col. 9, ll. 21-29).

Regarding claims 25, 31, Lee discloses a method, wherein delivering of said message further depends on preferences of the user for receiving any of said plurality of services (col. 8, ll. 46-49).

Regarding claims 26, 32, Lee discloses a method, wherein delivering of said message comprises the step of triggering a further message to said target access device (col. 21, ll. 45-47, gateway converts H.323 voice packets to over the air transmission format for cellular phone).

Regarding claim 33, Lee discloses a means for providing an indication of a user's whereabouts based on result of said use-analysis of any of said telecommunications services and said user access devices (col. 20, ll. 57-col. 21, ll. 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over 20 as applied to claim 20 above, and further in view of Applicant's admitted Prior Art.

Regarding claim 22, the use of personal identification used in banking services or public transportation as an input to use-analysis of telecommunication services and use access devices is Applicant's admitted prior art (pg. 3, ll. 10-11, 14-15).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee (US Patent No. 6,751,459 B1) Nomadic Computing With Personal Mobility
Domain Name System

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hemant Patel
Examiner
Art Unit 2614

HSP

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SUPERVISORY PATENT EXAMINER
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